



UNITED STATES PATENT AND TRADEMARK OFFICE

mf

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/511,175

10/14/2004

Noriyoshi Satoh

37107

1995

116

7590

11/27/2006

PEARNE & GORDON LLP

1801 EAST 9TH STREET

SUITE 1200

CLEVELAND, OH 44114-3108

EXAMINER

BALAOING, ARIEL A

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/511,175	Applicant(s) SATO ET AL.	
	Examiner Ariel Balaoing	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by JENKINS et al (US 6,724,618 B1).

Regarding claim 1, JENKINS discloses a portable terminal (abstract) comprising:
a battery attachment portion **40, 80, 200** to which a detachable battery **110, 450** is attached (col. 2, line 35-44; col. 5, line 1-32); a first information recording medium storage portion [SIM module] for detachably storing a first information recording medium [SIM card] **140, 230**, the first information recording medium storage portion being disposed in adjacent to the battery attachment portion (Figures 4-6; col. 2, line 14-44; col. 5, line 33-col. 6, line 66); a battery housing portion for storing a battery, which is constituted by the battery attachment portion and the first information recording medium storage portion, the battery housing portion being covered by a cover member **105, 110, 350** the cover member comprising a battery and a battery cover (Figure 4, 7; col. 5, line 33-col. 6, line 66); a second information recording medium storage portion [flash card

Art Unit: 2617

module] **10**, for detachably storing a second information recording medium [flash card] **30**, the second information recording medium storage portion being disposed adjacent to the battery housing portion (Figures 1, 2, 4, 6, 7; col. 2, line 7-14; col. 4, line 1-33); a printed circuit board **150, 245** to which the first information recording medium storage portion is electrically connected (col. 5, line 33-col. 6, line 66), wherein the second information recording medium storage portion and the battery housing portion are disposed at the same side of the printed circuit board (Figures 2, 4, 7; col. 5, line 33-col. 6, line 66).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. JENKINS further discloses wherein the battery housing portion is provided in a substantially rectangular parallelepiped portable terminal housing (Figures 4 and 7), and wherein the second information recording medium storage portion for storing in a detachable manner an information recording medium in which information is recorded, is disposed adjacent to the battery attachment portion along a longitudinal direction of the portable terminal housing within the portable terminal housing (Figures 1, 2, 4, 6, 7; abstract; col. 2, line 7-14; col. 4, line 1-33).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. JENKINS further discloses wherein each of the information recording medium and the second information recording medium has a substantially rectangular parallelepiped shape (Figures 1, 4, 7), wherein the first information recording medium storage portion is disposed in a manner that a longitudinal direction of the information recording medium coincides with a direction

orthogonal to the longitudinal direction of the portable terminal housing (Figures 4-6; col. 2, line 14-44; col. 5, line 33-col. 6, line 66), and wherein the second information recording medium storage portion is disposed in a manner that a longitudinal direction of the second information recording medium coincides with the longitudinal direction of the portable terminal housing (Figures 1, 2, 4, 6, 7; col. 2, line 7-14; col. 4, line 1-33).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. JENKINS further discloses wherein the first information recording medium storage portion and an input/output portion **310, 320** for inputting and outputting information are disposed in an overlapped manner at a side of the information recording medium opposite to a surface of the information recording medium being exposed (col. 7, line 3-38).

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over JENKINS et al (US 6,724,618 B1) in view of NUOVO et al (US 2004/0077391).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, JENKINS does not expressly disclose wherein the housing includes: a first housing; a second housing; and a hinge portion for coupling the first housing and the second housing in a manner capable of being folded. NUOVO discloses wherein the housing includes: a first housing (paragraph 15); a second housing (paragraph 15); and a hinge portion for coupling the first housing and

Art Unit: 2617

the second housing in a manner capable of being folded (paragraph 15; a clam shell design with a two or more part arrangement able to be rotated relative to each other is disclosed; a first housing, second housing and hinge is inherently necessary when a portable device is designed in such a way). Therefore it would have been obvious to a person of ordinary skill in the art to modify JENKINS to include the clam shell design of NUOVO, as the use of clam shell designed mobile terminals are known to provide protection to a display screen as well as reduce the size of a mobile terminal.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over JENKINS et al (US 6,724,618 B1) in view of KIM (US 6,681,120 B1).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, JENKINS does not expressly disclose wherein the housing has an opening portion for storing the second information recording medium within the second information recording medium storage portion, and wherein the opening portion is covered by an open/close lid in a manner that the lid moves in a direction orthogonal to a housing direction of the second information recording medium and rotates in a freely closing and opening manner with respect to the housing. KIM discloses wherein the housing has an opening portion for storing the second information recording medium within the second information recording medium storage portion (120A-Figure 1), and wherein the opening portion is covered by an open/close lid in a manner that the lid moves in a direction orthogonal to a housing direction of the second information recording medium and rotates in a freely closing and opening manner with respect to the housing (150, 152, 154-Figure 4). Therefore it would have been obvious

Art Unit: 2617

to a person of ordinary skill in the art at the time the invention was made to modify JENKINS to include an opening in the case for a memory card with a protective covering, as taught by KIM, since the use of a cover member over a memory slot to provide additional protection to a memory card is well known and common in the art.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ariel Balaoing – Art Unit 2617

AB 11/21/06

AB



WILLIAM TROST
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2600